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Approved: _____

JACOB H. GUTWILLIG
Assistant United States Attorney

Before: THE HONORABLE BARBARA C. MOSES
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA

: SEALED COMPLAINT

- v. -

: Violation of
18 U.S.C. §§ 922(g)(1),
924(a)(2), and 2

ANTONIO RODRIGUEZ,

a/k/a "Antonio L Rodriguez,"
a/k/a "Anthony Rodriguez,"
a/k/a "Antonio Rodriguez,"
a/k/a "Antonio Rodriguez,

: COUNTY OF OFFENSE:
BRONX

Defendant.

:

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SOUTHERN DISTRICT OF NEW YORK, ss.:

MARIA BOCACHICA, being duly sworn, deposes and says
that she is a Detective with the New York City Police Department
("NYPD"), and charges as follows:

COUNT ONE

1. On or about February 10, 2020, in the Southern District of New York and elsewhere, ANTONIO RODRIGUEZ, a/k/a "Antonio L Rodriguez," a/k/a "Anthony Rodriguez," a/k/a "Antonio Rodriguez," a/k/a "Antonio Rodriguez," the defendant, knowing that he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess, in and affecting commerce, a firearm, to wit, a loaded Hi-Point 9MM pistol, serial number P1965175, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2),
and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Detective with the NYPD and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my conversations with four NYPD officers ("PO-1," "PO-2," "PO-3," and "PO-4," together, the "Officers") involved in the arrest of ANTONIO RODRIGUEZ, a/k/a "Antonio L Rodriguez," a/k/a "Anthony Rodriguez," a/k/a "Antonio Rodriquez," a/k/a "Antonio Rodriguez," the defendant, as well as my review of video footage of that arrest, I have learned the following, among other things:

a. On or about February 10, 2020, at approximately 1:40 p.m., the Officers were in the vicinity of Grand Concourse and 196th Street in the Bronx, New York. The Officers were responding to a "Level One" call relating to a missing child. PO-1 was driving and PO-2 was in the passenger seat of a marked police vehicle ("Vehicle-1"); PO-3 was driving and PO-4 was in the passenger seat of a second marked police vehicle ("Vehicle-2").

b. As the Officers were responding to the Level One, at approximately 1:40 p.m., a call came over the radio (the "Radio Call") that an individual had a gun. The Officers recognized that, according to the Radio Call, the individual with the gun was in the vicinity of the Officers' location, so they diverted from the Level One to respond to the Radio Call.

c. PO-1 and PO-2, in Vehicle-1, and PO-3 and PO-4, following in Vehicle-2, turned southbound onto Creston Avenue from 196th Street. Upon turning onto Creston Avenue, an individual ("Individual-1") flagged down Vehicle-1 and stated to PO-1 and PO-2, in sum and substance, that an individual down the block, i.e., southward on Creston, had a gun. PO-1 and PO-2, in Vehicle-1, drove part-way down Creston and stopped Vehicle-1 in

front of a group of approximately three or four individuals, including one wearing a black hooded sweatshirt, later identified as RODRIGUEZ. PO-3 and PO-4, driving Vehicle-2, followed behind Vehicle-1.


d. PO-1 and PO-2, both of whom were wearing police uniform, then exited Vehicle-1, whereupon RODRIGUEZ began running south down Creston Avenue. PO-1 and PO-2 pursued RODRIGUEZ on foot. Shortly after RODRIGUEZ began running, he discarded a black object. PO-2 paused his pursuit of RODRIGUEZ to look at the black object, which PO-2 identified as a gun (the "Firearm"), which PO-2 then recovered. PO-1 continued pursuing RODRIGUEZ and, after a short chase, apprehended RODRIGUEZ near the vicinity of Creston Avenue and Kingsbridge Road. PO-3 and PO-4, both of whom were wearing police uniform, arrived on foot shortly thereafter and assisted PO-1 in arresting and handcuffing RODRIGUEZ.

4. Based on my review of an NYPD Firearm Examination Report, I have learned that the Firearm is a loaded Hi-Point 9MM pistol, serial number P1965175.

5. Based on my training and experience, and my communications with other law enforcement agents, including a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms, I know that the Firearm was not manufactured in New York State.

6. Based on my review of criminal history records pertaining to ANTONIO RODRIGUEZ, a/k/a "Antonio L Rodriguez," a/k/a "Anthony Rodriguez," a/k/a "Antonio Rodriquez," a/k/a "Antonio Rodriquez," the defendant, I have learned that (i) on or about May 18, 2017, in the Bronx County Supreme Court, RODRIGUEZ was convicted of attempted burglary in the second degree, in violation of New York Penal Law ("NYPL") Section 140.25, and sentenced to one to three years' imprisonment and an order of protection; and (ii) on or about October 30, 2014, in Bronx County Supreme Court, RODRIGUEZ was convicted of burglary in the third degree, in violation of NYPL Section 140.20, and sentenced to 16 months' to four years' imprisonment.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of ANTONIO RODRIGUEZ, a/k/a "Antonio L Rodriguez," a/k/a "Anthony Rodriguez," a/k/a "Antonio Rodriquez," a/k/a "Antonio Rodriguez," the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



Detective Maria Bocachica
New York City Police Department

Sworn to before me this
18th day of February, 2020



THE HONORABLE BARBARA C. MOSES
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK